

BILL NO. Q-85-02-28

RESOLUTION NO. Q-23-85

1 RESOLUTION of the Common Council of the  
2 City of Fort Wayne, Indiana, authorizing the  
3 transfer of property owned by the City of  
4 Fort Wayne to the Fort Wayne Redevelopment  
5 Commission and the approval of a reimbursement  
6 Agreement by and between the City of Fort Wayne,  
7 Indiana and the Fort Wayne Redevelopment Commission,  
8 all with respect to the Summit Industrial Park  
9 Renewal Project

10 WHEREAS, the City of Fort Wayne, on December 23,  
11 1983, acquired 93.342 acres (more or less) located in Allen  
12 County, Indiana, and specifically described on the attached  
13 Exhibit "A", made a part hereof, said real estate referred to  
14 as the "Summit Industrial Park Renewal Project" or "Project Site"  
15 or "Project Real Estate;"

16 WHEREAS, the Project Site was acquired by the  
17 City for purposes of attracting new business; the expansion of  
18 existing business; and economic development and redevelopment  
19 purposes in general;

20 WHEREAS, the Redevelopment Commission passed a  
21 Declaratory Resolution on August 16, 1984, establishing the  
22 Project Site as a renewal project;

23 WHEREAS, the development plans for the Project  
24 Site and the urban renewal plan relative thereto have been  
25 approved by the Fort Wayne City Plan Commission as conforming  
26 to the City's master plan of development;

27 WHEREAS, this Council, on November 13, 1984,  
28 approved, ratified, and confirmed the actions of the Redevelopment  
29 Commission and the Fort Wayne City Plan Commission with respect  
30 to the establishment of the Summit Industrial Park Renewal Project;  
31 *Economic Development*

32 WHEREAS, the City's Department of ~~Redevelopment~~ has  
applied for and has received certain grants as to the development  
of the Project Site;



1           WHEREAS, it is necessary, at this time, to convey  
2 the property from the City to the Redevelopment Commission so  
3 that the project may be further developed and so that parcels  
4 therefrom may be sold to private businesses;

5           WHEREAS, the proceeds from the sale of property  
6 from the Project Site will be paid back to the City to reimburse  
7 the City for expenditures made with respect to the project,  
8 including, but not limited to, acquisition costs and costs  
9 of improving the Project Site.

10           NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

11           SECTION 1: The Common Council of the City of  
12 Fort Wayne, Indiana, does hereby approve, pursuant to I.C.  
13 36-1-11-8, of the City's conveyance of the Project Real Estate  
14 (Exhibit "A") to the Fort Wayne Redevelopment Commission in  
15 furtherance of the development of the Project Site. In that  
16 regard, the Mayor and the members of the Board of Public Works  
17 and Safety of the City of Fort Wayne, Indiana are hereby  
18 empowered and authorized to execute all deeds of conveyance,  
19 conveying this property from the City to the Fort Wayne  
20 Redevelopment Commission.

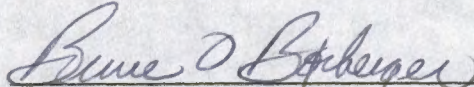
21           SECTION 2: The City is empowered and authorized  
22 to enter into that certain Agreement attached hereto as a part  
23 hereof as Exhibit "B" under which the City would receive from  
24 the proceeds of sale of any Project Real Estate any and all  
25 monies necessary to reimburse the City and/or its Utilities for  
26 all expenditures made by the City with respect to the acquisition  
27 of the Project Real Estate and all improvements thereon. In that  
28 regard, the Mayor and the members of the Board of Public Works  
29 and Safety are empowered and authorized to execute said Agreement.  
30 Two copies of said Agreement are on file with the City Clerk of  
31 the City of Fort Wayne and available for public inspection.  
32



SECTION 3: This Resolution shall be in full  
force and effect upon passage and approval by the Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY  
THIS 25 DAY OF Feb., 1985.

  
BRUCE O. BOXBERGER, CITY ATTORNEY

FOX RIVER BOND  
25% COTTON



Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.

DATE: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eustub, seconded by Talarico, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>1</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	<u>✓</u>	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 2-26-85.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (~~APPROPRIATION~~) (~~GENERAL~~)

(~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (~~RESOLUTION~~) NO. R-23-85

on the 26th day of February, 1985,

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1985, at the hour of 11:00 o'clock P. .M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of February, 1985, at the hour of 4:30 o'clock P. .M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



## EXHIBIT A

A parcel of land located in the Northwest One-Quarter of Section 15 and the Northeast One-Quarter of Section 16, all in Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows: BEGINNING at the Southeast corner of the Northeast One-Quarter of Section 16, Township 31 North, Range 12 East, Allen County, Indiana (also being the Southwest corner of the Northwest One-Quarter of Section 15, Township 31 North, Range 12 East) as now established by Allen County Surveyor's reference monuments; thence North 89-degrees 21-minutes East along the South line of the Northwest One-Quarter of said Section 15 a distance of 7.70 feet to a point on the West right-of-way line of the Grand Rapids & Indiana Railroad; thence North 0-degrees 04-minutes 40-seconds West along said West railroad right-of-way line a distance of 1641.10 feet; thence South 90-degrees 00-minutes West a distance of 780.00 feet to the East right-of-way line of a 60 foot wide road, recorded in Document No. 83-26071, Allen County Recorder's Office; thence South 0-degrees 04-minutes 40-seconds East along said East road right-of-way line a distance of 20.0 feet; thence South 90-degrees 00-minutes West a distance of 60.00 feet to the West right-of-way line of said road; thence North 0-degrees 04-minutes 40-seconds West along said West road right-of-way line a distance of 940.05 feet; thence Northwesterly 62.78 feet along a curve deflecting to the left and tangent to the last described course, having a radius of 40.0 feet and being subtended by a chord length of 56.53 feet and bearing North 45-degrees 02-minutes 20-seconds West to a point situated 40.0 South of and normal to the North line of the Northeast One-Quarter of said Section 16, (said point also being on the South right-of-way line of Cook Road); thence South 90-degrees 00-minutes West along said South right-of-way line of Cook Road a distance of 945.31 feet to a point of the Southeast right-of-way line of Cook Road, according to the Executor's Deed recorded in instrument E3119, Allen County Auditor's Office; thence South 60-degrees 42-minutes West along said Southeast right-of-way line a distance of 40.87 feet to the East right-of-way line of Chalfant Road, according to said Executor's Deed; thence South 90-degrees 00-minutes West a distance of 15.00 feet to a point on the West line of the East One-Half of the West One-Half of the Northeast One-Quarter of said Section 16; thence South 0-degrees 09-minutes 28-seconds East along the West line of the East One-Half of the West One-Half of said Northeast One-Quarter a distance of 2581.77 feet to the South line of said Northeast One-Quarter; thence North 89-degrees 59-minutes East along the South line of the Northeast One-Quarter of said Section 16 a distance of 1864.27 feet to the point of BEGINNING. Parcel contains 93.342 acres, more or less and is subject to a roadway easement over the Western portion thereof for Chalfant Road, a roadway easement over the Southern portion thereof for Ludwig Road, a 100 foot wide Indiana & Michigan Electric Co. easement over the Eastern portion thereof and any other easements of record, together with any roadway rights which Grantors may have.



EXHIBIT "B"

AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1985, by and between THE CITY OF FORT WAYNE, INDIANA, and its CITY UTILITIES, hereafter referred to together as "City", and THE FORT WAYNE REDEVELOPMENT COMMISSION, hereafter referred to as "Commission",

WITNESSETH:

WHEREAS, the City, on December 23, 1983, acquired 93.342 acres (more or less) located in Allen County, Indiana, and specifically described on the attached Exhibit "A", made a part hereof, said real estate hereinafter referred to as "Summit Industrial Park Renewal Project" or "Project Site" or "Project Real Estate;"

WHEREAS, the Project Site was acquired for purposes of attracting new business; the expansion of existing business; and economic development and redevelopment purposes in general;

WHEREAS, the Commission passed a Declaratory Resolution on August 16, 1984, establishing the Project Site as a renewal project;

WHEREAS, the development plans for the Project Site and the urban renewal plan relative thereto have been approved by the Fort Wayne City Plan Commission as conforming to the City's master plan of development;

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 13, 1984, approved, ratified, and confirmed the actions of the Commission and the Fort Wayne City Plan Commission with respect to Summit Industrial Park Renewal Project;

WHEREAS, the Commission has caused to be held a public hearing at which hearing remonstrances and objections from persons affected by the proceedings pertaining to the proposed project would be received and heard by the Commissioners, and due notice of said meeting was published;

WHEREAS, pursuant to Resolution No. 85-1, the Commission has adopted its Confirmatory Resolution with respect to Summit

Industrial Park Renewal Project;

WHEREAS, the City and its Department of ~~Redevelopment~~ *Economic Development* has made application for and has received grants from the United States Government with regards to the development of the Project Site;

WHEREAS, to move forward with the project, it is now necessary for the City to convey the Project Real Estate to the Commission, which will in turn sell to private buyers parcels from the Project Site;

WHEREAS, the City and/or its Utilities has and will expend monies for the acquisition of the Project Real Estate and improvements thereon in furtherance of the City's obligations to provide "matching" funds and contributions in concert with federal grants supporting the project;

WHEREAS, the Commission will sell parcels from the Project Site and will in turn reimburse the City for expenditures made by the City in relationship to the Project Site and the acquisition and development of same.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

1. Subject to approval by the Common Council of the City of Fort Wayne, Indiana, as required by I.C. 36-1-11-8, and subject to approval of the Board of Public Works and Safety of the City of Fort Wayne, the City hereby agrees to convey unto the Commission the Project Real Estate (Exhibit "A"). This conveyance shall also be accepted and confirmed by a Resolution passed by the Commission.

2. The Commission shall proceed with the project in accordance with plans as approved by the Commission, the Fort Wayne City Plan Commission, and the Common Council. In that regard, the Commission shall sell to private buyers parcels from the Project Real Estate pursuant to all applicable provisions of I.C. 36-7-14-1 et.seq.



3. Unless otherwise agreed to by the City, all sales of Project Real Estate by the Commission shall result in the payment in full of the purchase price at closing. All proceeds from the sale of any and all Project Real Estate shall be received by the Commission at the closings and same shall be tendered to the City for reimbursement to the City and/or its Utilities as herein described. That is, any and all sale proceeds shall be given to the City of Fort Wayne as a reimbursement until that point in time that the City has been reimbursed for all "costs" of the City and/or its Utilities with respect to the project. The term "costs" as herein used shall be defined as: "Any and all acquisition costs, including principal and interest thereon; any and all other capital costs relative to the Project Site and the development of same as carried on the books of the City and/or any of its Utilities; and any and all carrying charges experienced by the City and/or any of its Utilities with respect to the acquisition of the Project Real Estate or development thereof, including, but not limited to, the City's and/or its Utilities loss of use of monies expended for the Project Site." Once the City has been reimbursed in full for such costs, then any and all further sale proceeds shall belong to the Commission.

4. If, for any reason, the Project Real Estate is to be conveyed by the Commission for less than its appraised value, then in such event, the City shall have the right to approve of such a conveyance.

5. This Agreement shall be construed in accordance with the laws of the State of Indiana.



IN WITNESS WHEREOF, this Agreement has been signed the  
day, month, and year first above written.

CITY OF FORT WAYNE, INDIANA

FORT WAYNE REDEVELOPMENT COMMISSION

BY: \_\_\_\_\_  
Win Moses, Jr., Mayor

BY: \_\_\_\_\_  
Robert L. Thompson, Jr., as  
its President

BOARD OF PUBLIC WORKS

ATTEST:

BY: \_\_\_\_\_

BY: \_\_\_\_\_  
Secretary

BY: \_\_\_\_\_

BY: \_\_\_\_\_



BILL NO. R-85-02-28

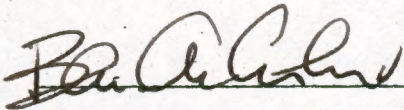
REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS  
REFERRED AN (~~ORDINANCE~~) (RESOLUTION) of the Common Council of the  
City of Fort Wayne, Indiana, authorizing the transfer of property  
owned by the City of Fort Wayne to the Fort Wayne Redevelopment  
Commission and the approval of a reimbursement Agreement by and  
between the City of Fort Wayne, Indiana, and the Fort Wayne  
Redevelopment Commission, all with respect to the Summit Industrial  
Park Renewal Project

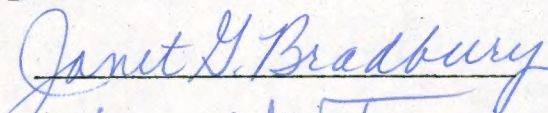
HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (~~ORDINANCE~~)  
(RESOLUTION) \_\_\_\_\_

YES

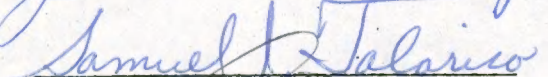
NO



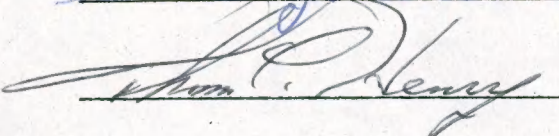
BEN A. EISBART  
CHAIRMAN



JANET G. BRADBURY  
VICE CHAIRWOMAN



SAMUEL J. TALARICO



THOMAS C. HENRY

JAMES S. STIER

CONCURRED IN 2-26-85

SANDRA E. KENNEDY  
CITY CLERK